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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of:

MICHAEL DANIEL RODRIGUEZ,

Respondent.

No. H-3040 FR

ACCUSATION

The Complainant, BRENDA SMITH, acting in her official capacity as a
Supervising Special Investigator of the State of California, for cause of Accusation against
MICHAEL DANIEL RODRIGUEZ ("Respondent"), is informed and alleges as follows:

1

Respondent is presently licensed and/or has license rights under the Real Estate
Law (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate broker.
Respondent also holds an individual mortgage loan originator license endorsement.

2

At all relevant times, Respondent was operating under the fictitious business
"Platinum Capital Mortgage & Real Estate, Inc." At no time relevant to this Accusation has
"Platinum Capital Mortgage & Real Estate, Inc." been licensed by the Bureau of Real Estate
("Bureau") in any capacity, nor has it been registered as a fictitious business name with the
Bureau.

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate broker in the State of California within the meaning of section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage with the public in the name of "Platinum Capital Mortgage & Real Estate, Inc." wherein he solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

WEBSITE VIOLATIONS

Each and every allegation in Paragraphs 1 through 3, inclusive, above, is incorporated by this reference as though fully set forth herein.

In or about July 2016, the Bureau conducted an investigation of the activities of Respondent and his business "Platinum Capital Mortgage & Real Estate, Inc." The Bureau's investigation revealed Respondent operated a website at www.platinumcapitalmortgage.com to solicit mortgage loan services, and uncovered the following violations of the real estate law:

(a) Respondent failed to obtain a real estate license bearing the fictitious business name "Platinum Capital Mortgage & Real Estate, Inc." before conducting in that name activities for which a license was required, in violation of Section 10159.5 of the Code, and Section 2731 of the Regulations;

(b) Respondent conducted real estate activities under the unlicensed corporation "Platinum Capital Mortgage & Real Estate, Inc.," in violation of Section 10130 of the Code; and

(c) Respondent falsely advertised that he employed a "Loan Officer" named Madelyn Cottingham, when in truth, Madelyn Cottingham is not licensed under the California real estate law to perform loan activity, in violation of Section 10235 of the Code.

The acts and/or omissions of Respondent, as alleged above in Paragraph 5, are grounds for the revocation or suspension of all licenses, license rights, endorsements and endorsement rights of Respondent under the following provision of the Code and Regulations:

As to Paragraph 5(a), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10159.5 of the Code, and Section 2731 of the Regulations;

As to Paragraph 5(b), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10130 of the Code; and

As to Paragraph 5(c), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10235 of the Code.

FAILURE TO FILE NMLS REPORTS

Each and every allegation in Paragraphs 1 through 6, inclusive, above, is incorporated by this reference as though fully set forth herein.

Pursuant to Section 10166.08 of the Code, each mortgage loan originator is required to submit reports of condition to the Nationwide Mortgage Licensing System and Registry ("NMLS") in the form required by the NMLS. To date, Respondent has failed to submit the following reports to the NMLS in a timely fashion:

- a. First Quarter Mortgage Call Report due May 14, 2015;
- b. Second Quarter Mortgage Call Report due August 14, 2015;
- c. Annual Financial Conditions Mortgage Call Report due March 30, 2016;
- d. First Quarter Mortgage Call Report due May 14, 2017;
- e. Second Quarter Mortgage Call Report due August 14, 2017; and
- f. Third Quarter Mortgage Call Report due November 14, 2017.

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The acts and/or omissions of Respondent, as alleged above in Paragraph 8, are grounds for the revocation or suspension of all licenses, license rights, endorsements and endorsement rights of Respondent under the following provisions of the Code and Regulations:

As to Paragraph 8(a), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10166.08 of the Code;

As to Paragraph 8(b), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10166.08 of the Code;

As to Paragraph 8(c), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10166.08 of the Code;

As to Paragraph 8(d), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10166.08 of the Code;

As to Paragraph 8(e), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10166.08 of the Code; and

As to Paragraph 8(f), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10166.08 of the Code.

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau of Real Estate ("Bureau"), the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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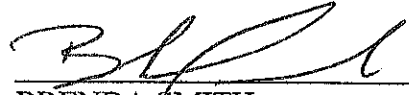
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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all
3 license and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the
4 Business and Professions Code), for the cost of investigation and enforcement as permitted by
5 law, and for such other and further relief as may be proper under other provisions of law.

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8 BREND A SMITH
Supervising Special Investigator

9 Dated at Fresno, California,
10 this 12 day of January, 2018.

11 DISCOVERY DEMAND

12 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
13 Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the
14 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the
15 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
16 Administrative Hearings deems appropriate.